THE

MYSORE GAZETTE.

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PART II.

Notifications by the Judicial Commissioner, &c.

JUDICIAL DEPARTMENT.

NOTIFICATION.

The 2nd March 1880.

Under Section 197, Code of Civil Procedure, the Court appoints the Registrar of this Court to administer the oath of the declarant in all affidavits under the said Code.

IN THE COURT OF THE JUDICIAL COMMISSIONER OF MYSORE AND COORG.

Civil Side

Rule of Practice No. 28, *dated 8th March* 1880.

The Judicial Commissioner has made the following Rules for the guidance of the Courts in the exercise of their duties, under Section 287 of the Code of Civil Procedure :—

1. Together with the issue of the order for attachment of immovable property under Section 274, the Court shall issue a proclamation inviting all persons claiming any interest in the said property to appear in Court on a fixed day and declare their interests and produce any documents relating to the same. Such invitation shall be proclaimed at some place adjacent to the property, together with the order of attachment, by beat of drum or other customary mode, and a copy of the invitation shall be fixed up in a conspicuous part of the property, and of the Court-house, and also, when the property is land paying revenue to Government, in the Office of the Deputy Commissioner of the District.

2. The Court shall require the attendance of the attaching creditor and of the judgment-debtor on the said day, and shall call upon the latter to declare on oath or solemn affirmation his interests in the said property, who is in possession thereof, and what other interests or encumbrances may exist therein, and shall require him to produce all title-deeds and other documents in his possession relating to the property.

3. In the case of property held by Hindus, the Court shall especially enquire whether the property is self-acquired or ancestral, whether the family has been divided and what co-sharers there may be in

the property, and whether there is any charge on the property on account of maintenance. The Court shall also in its discretion summon any co-sharers of the judgment-debtor and encumbrancers on the property and persons in possession thereof, and require them to produce any deeds relating thereto.

4. The party at whose instance the property may have been attached shall, before applying for an order for the sale of such property, cause search to be made in the Office of the Registrar or Sub-Registrar within whose sub-district the whole or some portion of the property is situate, with the object of ascertaining whether such property is subject to any and what encumbrances.

5. Every application for an order for the sale of immovable property in execution shall be made on the day fixed in the notice issued under Rule 1 and shall be supported by an affidavit stating all that is known to the party at whose instance the same has been attached respecting the title to such property, and also stating the result of the search made in the Registration Office with respect thereto pursuant to the last preceding rule.

6. The Amin charged with the attachment of the property shall, at the time of attachment, make especial enquiry as to—

(*a*) the nature of the soil and of the cultivation,
(*b*) whether the land be dry, wet or garden,
(*c*) the number of wells and other means of irrigation,
(*d*) the number and kind of trees if it be garden land,
(*e*) the means of communication,
(*f*) the vicinity of markets,
(*g*) in the case of a house the material of which it is built and the extent of the compound.
(*h*) the estimated annual produce, and if leased for how long, on what terms and to whom,
(*i*) the estimated value.

And the Amin shall embody this information in the form of a written report to the Court attested, by the village head-man and three of the most respectable inhabitants.

7. The Court in the case of land paying revenue to Government shall enquire from the Revenue authorities whether any arrears of revenue are due on the land, and if so their amount and for what years they are due.

8. In every case when movable property has been attached in execution of a decree, the Court shall, forthwith, cause a list of the same to be published by posting up a notice in the Court-house, and in the Chavadi or other public place of the town or village where the property has been attached, and shall annex a notice inviting all persons having claims on the said property to appear in Court on a fixed day and declare the same.

9. On the day fixed in the notices issued under Rules 1 and 8, the Court shall hold a summary enquiry into the nature of the interests, charges, claims, or encumbrances advanced against the attached property and shall decide whether or not they shall be included in the list to be attached to the proclamation of sale.

10. The proclamation of sale shall be in the following form :—

Court of
Original Suit No. of
Appeal ,, ,, in the Court of
Appeal ,, ,, in the High Court.
Plaintiff. Defendant.

In execution of a decree of Court in the above cause dated the day of in virtue whereof a sum of was adjudged to be payable by the said unto the said and of a warrant dated the day of for giving effect to the said decree by sale of property attached thereunder, notice is hereby given that on the day of at o'clock Nazir of this Court (or other person appointed) will at sell by auction to the highest bidder and without reserve the right, title and interest of the said in the several articles of property hereunder specified and every power of disposing of the same or any of them or of the profits arising therefrom which the said may now consistently with the law exercise for his own benefit.

Movable Property.

1	2	3	4	5	6	7
Lot No.	No. and description of articles.	Where attached.	Where now placed.	When to be viewed.	List of claims to which the lot is supposed to be liable after enquiry under Section 287 of the Code of Civil Procedure and Rules made thereunder by High Court.	Whether any claim has been set up to the lot under Section 278, Code of Civil Procedure, and with what result.

Immovable Property.

1	2	3	4	5	6	7	8	9
Lot No.	Situation of property.	Description of lot including all particulars described in Amin's report.	Survey No., Municipal No. or other fiscal designation.	Government revenue including local cess, any other known fiscal charge resting on the lot and shewing any arrears due.	Present occupant, if known.	Mortgage or lien subject to which attachment has been continued and sale is to be made under Sections 282 and 295 of the Code of Civil Procedure.	List of rights, charges and claims to which the lot is supposed to be liable after inquiry under Section 287 of the Code of Civil Procedure and Rules made thereunder by the High Court.	List of claims to raise attachment rejected wholly or in part under Section 278 of the Code of Civil Procedure.
	*(a)							
	(b)							
	(c)							
	(d)							
	(e)							
	(f)							
	(g)							
	(h)							
	(i)							

*NOTE.—These letters refer to the particulars required in Rule 6.

Rule of Practice No. 29, *dated 9th March* 1880.

The following forms framed by the Judicial Commissioner have been added to the list of forms prescribed for use by Rule of Practice No. 4, dated 3rd July 1878 :—

Civil No.	Section of Law.	Name of Form.	Whether in English or Kanarese.
63	287, Civil Procedure Code.	Proclamation of intended sale of movable property in execution of a decree.	Both.
64	287, Civil Procedure Code.	Proclamation of intended sale of immovable property in execution of a decree.	Both.

J. D. SANDFORD,
Judicial Commissioner.